

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 8/26/2020

DISTRICT JUDGE
Amos L. Mazzant, III

COURT REPORTER: Chris Beckham
COURTROOM DEPUTY: Keary Conrad

Innovation Sciences, Inc. v. Amazon.Com, Inc.	4:18-CV-474
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
Don Jackson, James Berquist, Walter Davis, Jr., Gregory Krauss, Lisa Blue (Counsel), Paul Malouf (Technology)	Deron Dacus, Dave Hadden, Saina Shamilov (Counsel), Fred Torok (Amazon representative) Robert Winant (paralegal) and Brian Patterson (Technology)

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Jury trial (Day 3)
8:28 a.m.	Court is in session. Court notes appearance of parties.
8:29 a.m.	Court hears from Aldo Noto regarding two physical exhibits available for inspection of the expert. No objection by defense to exhibits 861 and 870.
8:32 a.m.	Jury seated.
8:33 a.m.	Court reminds Mr. McAlexander that he is still under oath. Counsel, Don Jackson continues direct examination of Joseph C. McAlexander.
8:50 a.m.	Plaintiff's Counsel, Don Jackson shows witness McAlexander Plaintiff's Exhibit 861 and 870.
8:54 a.m.	Plaintiff's counsel, Don Jackson passed the witness.
8:55 a.m.	Defendant's counsel, Dave Hadden begins cross examination of Joseph C. McAlexander.
10:12 a.m.	Jury excused for 15 minute break.
10:13 a.m.	Court recess for 15 minutes.
10:30 a.m.	Court re-convenes. Jury seated.
10:31 a.m.	Defendant's counsel, Dave Hadden continues cross examination of Joseph C. McAlexander.
10:57 a.m.	Bench conference.
10:59 a.m.	Defendant's counsel, Dave Hadden continues cross examination of Joseph C. McAlexander.

11:32 a.m.	Defendant's counsel, Dave Hadden shows witness Joseph McAlexander, Defendant's trial exhibit 36.
11:56 a.m.	Jury excused for lunch.
11:57 a.m.	Court advises parties regarding exhibits and comments.
11:58 a.m.	Court adjourned.
1:05 p.m.	Court re-convened.
1:07 p.m.	Jury seated.
1:08 p.m.	Defendant's counsel, Dave Hadden continues cross examination of Joseph C. McAlexander.
1:12 p.m.	Defendant's counsel, Dave Hadden refers witness McAlexander to Exhibit 12c and 12d to Dr. McGee's report.
1:15 p.m.	Pass the witness.
1:15 p.m.	Counsel, Don Jackson begins re-direct examination of Joseph C. McAlexander.
1:43 p.m.	Pass the witness.
1:43 p.m.	Court polls the jurors for questions.
1:44 p.m.	Bench conference.
1:47 p.m.	Court questions witness with juror questions.
1:51 p.m.	Counsel, Don Jackson follow up to juror questions and directs witness McAlexander to slide 155 and slide 157.
1:54 p.m.	Pass the witness.
1:55 p.m.	Counsel, Don Jackson calls by video deposition, Omar Zarka. Video deposition played.
2:18 p.m.	Video deposition concludes.
2:19 p.m.	Plaintiff's counsel, Lisa Blue calls Dr. Ann Wong. Dr. Wang placed under oath.
2:20 p.m.	Plaintiff's counsel, Lisa Blue begins direct examination of Dr. Ann Wang.
2:44 p.m.	Pass the witness.
2:44 p.m.	Bench conference.
2:54 p.m.	Bench conference concluded.
2:55 p.m.	Defendant's counsel, Deron Dacus begins cross examination of Dr. Anne Wang.

3:10 p.m.	Defendant's counsel, Deron Dacus shows Dr. Anne Wong DDX1 for purposes of her testimony.
3:10 p.m.	Bench conference.
3:11 p.m.	Bench conference concluded.
3:12 p.m.	Defendant's counsel, Deron Dacus continues cross examination of Dr. Anne Wang.
3:16 p.m.	Bench conference.
3:19 p.m.	Bench conference concluded.
3:20 p.m.	Defendant's counsel, Deron Dacus continues cross examination of Dr. Anne Wang.
3:25 p.m.	Defendant's counsel, Deron Dacus offers Defendant's Exhibit 667. No objection. Defendant's Exhibit 667 admitted.
3:31 p.m.	Jury excused for 15 minute break.
3:32 p.m.	Court recess for 15 minutes.
3:49 p.m.	Court re-convenes. Court hears argument from Plaintiff's counsel, Lisa Blue regarding limine issues.
4:00 p.m.	Counsel Blue requests the Court strike counsel's statement regarding creating patents to sue arguing that it violates the limine. Court denies Plaintiff's request to strike the statement and advise the jury.
4:01 p.m.	Defendant's counsel, Deron Dacus continues cross examination of Dr. Anne Wang.
4:15 p.m.	Defendant's counsel, Deron Dacus begins to show Dr. Wang Defendant's Exhibit 660. Objection to relevance and hearsay. Exhibit not admitted.
4:15 p.m.	Defendant's counsel, Deron Dacus continues cross examination of Dr. Anne Wang.
4:25 p.m.	Defendant's counsel, Deron Dacus offers Defendant's Exhibit 688. Plaintiffs object to relevance and prejudice. Objection sustained under 403.
4:31 p.m.	Defendant's counsel, Deron Dacus offers Defendant's Exhibit 720. Plaintiffs object to relevance and prejudice. Overruled. Defendant Exhibit 720 is admitted.
4:48 p.m.	Bench conference.
4:52 p.m.	Bench conference concluded.
4:53 p.m.	Defendant's counsel, Deron Dacus continues cross examination of Dr. Anne Wang.
4:59 p.m.	Bench conference.
5:03 p.m.	Bench conference concluded.

5:03 p.m.	Defendant's counsel, Deron Dacus continues cross examination of Dr. Anne Wang.
5:18 p.m.	Pass the witness.
5:19 p.m.	Plaintiff's counsel, Lisa Blue begins re-direct examination of Dr. Anne Wang.
5:29 p.m.	Pass the witness.
5:29 p.m.	Defendant's counsel, Deron Dacus re-cross examination of Dr. Anne Wang.
5:32 p.m.	Pass the witness.
5:32 p.m.	Court polls the jury for questions.
5:32 p.m.	Jury excused until 8:30 am tomorrow.
5:33 p.m.	Witness excused.
5:34 p.m.	Counsel, Gregory Krauss moves for the admission of referenced exhibits in McAlexander's testimony yesterday as follows: 1, 2, 3, 57, 59, 61, 63, 74, 76, 129, 182, 212, 213, 215, 216, 217, 230, 231, 233, 234, 235, 240, 241, 242, 243, 244, 248, 252, 253, 266, 267, 271, 272, 273, 286, 287, 292, 380, 383, 500, 874, 883 and physical 861 and 870.
5:38 p.m.	Defendant's counsel, Saina Shamilov brings to the Court's attention that Mr. Torok, Amazon representative will be called twice for Plaintiff and then for Defendants.
5:38 p.m.	Bench conference.
5:42 p.m.	Court advises the Parties regarding as to the use of declarations and affidavits; use for impeachment but the jury is never to know where those documents came from.
5:44 p.m.	Court hears argument from Don Jackson regarding Samsung litigation.
5:46 p.m.	Court adjourned.
	Plaintiff time: 7 hours 15 minutes Defendant time: 4 hours 28 minutes Total Court time today: 7 hours 36 minutes

DAVID O'TOOLE, CLERK

BY: Kearny Conrad
Courtroom Deputy Clerk